

Attorney Docket: 090/003C

**geron**

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## *Facsimile Transmittal Sheet*

**Date:** April 2, 2004

**To:** Art Unit 1632

U.S. PATENT AND TRADEMARK OFFICE

**Fax #:** (703) 872-9306

**From:** J. Michael Schiff, Ph.D.

**Page 1 of 8** (including cover and ending sheet)

**CORRECTED TRANSMITTAL**  
Please disregard Response to Restriction  
Requirement previously faxed  
April 2, 2004.

### OFFICIAL FILING

- Transmittal / ~~Fee Transmittal~~
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- for

**USSN 10/087,473**

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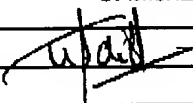
PTO/SB/21 (02-04)

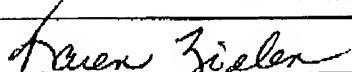
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<b>TRANSMITTAL FORM</b> (to be used for all correspondence after initial filing)	Application Number	10/087,473	
	Filing Date	March 1, 2002	
	First Named Inventor	Melissa K. Carpenter, et al.	
	Art Unit	1632	
	Examiner Name	Thai-An N. Ton	
Total Number of Pages in This Submission	6	Attorney Docket Number	090/003C

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
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<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Request for Refund	
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<input type="checkbox"/> Certified Copy of Priority Document(s)	Remarks	
<input type="checkbox"/> Response to Missing Parts/Incomplete Application	Response to Restriction Requirement (3 pages)	
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	J. Michael Schiff, Registration No. 40,253
Signature	
Date	April 2/04

CERTIFICATE OF TRANSMISSION/MAILING			
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.			
Typed or printed name	Karen Zielen		
Signature		Date	April 2 2004

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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I hereby certify that this correspondence is being transmitted to the U.S. Patent & Trademark Office in accordance with 37 CFR § 1.6(d) on the date indicated.	
<u><i>Haron Zelen</i></u> Name	<u><i>April 2, 2004</i></u> Date

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventors: M.K. Carpenter et al.

Art Unit: 1632

Filing Date: March 1, 2002

Examiner: Thái-An N. Ton, Ph.D.

Serial No: 10/087,473

Docket: 090/003

Title: DIRECT DIFFERENTIATION OF HUMAN  
PLURIPOTENT STEM CELLS AND  
CHARACTERIZATION OF  
DIFFERENTIATED CELLS

RESPONSE TO RESTRICTION REQUIREMENT

Commissioner for Patents  
Alexandria VA 22313

Dear Sir,

This paper is responsive to the Restriction Requirement mailed on March 19, 2004, for which a shortened statutory period for reply is set to expire on April 19, 2004. Accordingly, this paper is timely filed.

Please enter the following remarks.

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10/087,473  
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Election of Group for Examination

Claims 1-22 are pending in this application, and subject to a Restriction Requirement under 35 USC § 121 between claims in three groups.

Group I (claims 1-20) is hereby elected for examination on the merits.

Traversal of Restriction Requirement

Applicant respectfully traverses the restriction requirement. MPEP § 803 indicates that a restriction requirement can only be imposed when examination of all the claims would impose a serious burden. The Office has not established that a serious burden would be imposed if the three groups in the present application were examined together.

In particular, claim 21 (Group II) and claim 22 (Group III) depend from claim 1 in the group elected for examination (Group I). Upon determination that claim 1 is free of prior art, the Examiner will be easily able to ascertain that claims 21 and 22 are also free of prior art. Accordingly, it does not create a burden to have all claims pending in this application examined together.

Reconsideration and withdrawal of the restriction requirement is respectfully requested.

Request for Rejoinder:

Claims 21 and 22 are method claims that depend from and incorporate the limitations of claim 1. Applicant hereby requests that these claims (and all other method claims depending from claims in the elected group) be rejoined, upon determination that the base claim is patentable.

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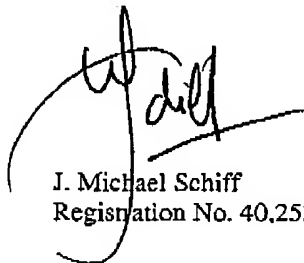
Conclusion

Applicants respectfully request that the application proceed to examination on the merits, in view of the remarks made herein.

In the event the Examiner determines that an interview would facilitate prosecution of this application, she is invited to contact applicant's representative at the telephone number indicated below.

Should the Patent Office determine that an extension of time or any other relief is required for further consideration of this application, applicant hereby petitions for such relief, and authorizes the Commissioner to charge the cost of such petitions and other fees due in connection with the filing of these papers to Deposit Account No. 07-1139, referencing the docket number indicated above.

Respectfully submitted.



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March 23, 2004

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